

BOISE, THURSDAY NOVEMBER 6, 2008 AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34851

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|---------------------------------------|---|
| EVAN EDWARD MORGAN, JR., |) |
| |) |
| Petitioner-Appellant, |) |
| |) |
| v. |) |
| |) |
| SEXUAL OFFENDER CLASSIFICATION |) |
| BOARD, |) |
| |) |
| Respondent. |) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. D. Duff McKee, District Judge.

Alan E. Trimming, Ada County Public Defender; Richard D. Toothman, Deputy Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Paul R. Panther, Deputy Attorney General, Boise, for respondent.

In 1998, Evan Edward Morgan, Jr. pled guilty to lewd and lascivious conduct with a minor and possession of sexually exploitative material. The lewd and lascivious conduct related to Morgan's inappropriate touching of a five-year-old neighbor girl.

In conjunction with granting Morgan a tentative parole date, the Sex Offender Classification Board (the Board) designated Morgan as a violent sexual predator (VSP). Morgan filed a notice of intent to appeal his designation as a VSP, and the district court appointed him counsel. Morgan then filed a motion requesting the district court to release the documents that the Board had relied upon in concluding Morgan was a VSP. The district court entered an order denying Morgan's request for the documents. The parties submitted briefs, and the district court held a hearing on Morgan's claims. After the hearing, the district court entered an order affirming the decision of the Board to classify Morgan as a VSP. Morgan appeals, challenging the district court's order denying disclosure of the documents relied upon by the Board in determining Morgan was a VSP and the district court's order affirming the Board's designation of Morgan as a VSP.

BOISE, THURSDAY, NOVEMBER 6, 2008, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33576

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|------------------------------|---|
| STATE OF IDAHO, |) |
| |) |
| Plaintiff-Respondent, |) |
| |) |
| v. |) |
| |) |
| MICHAEL KEITH McNABB, |) |
| |) |
| Defendant-Appellant. |) |
| <hr/> |) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Darla S. Williamson, District Judge.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ann Wilkinson, Deputy Attorney General, Boise, for respondent.

Michael Keith McNabb appeals from his convictions by jury for two counts of aggravated battery and one count of aggravated assault. McNabb contends that the district court erred in admitting the preliminary hearing testimony of a witness on the finding that the witness was unavailable for trial. McNabb further contends that he has been denied a speedy appeal, that his sentences are excessive, and that the district court erred in denying his motion for reduction of those sentences.

BOISE, THURSDAY, NOVEMBER 6, 2008, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33213/33243

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|-----------------------------------|---|
| STATE OF IDAHO, |) |
| |) |
| Plaintiff-Respondent, |) |
| |) |
| v. |) |
| |) |
| RONALD JOHN HUNTSMAN, SR., |) |
| |) |
| Defendant-Appellant. |) |
| _____ |) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Joel D. Horton, District Judge.

Greg S. Silvey, Kuna, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

In March 2005, Ronald John Huntsman, Sr. and several others were involved in the kidnapping of two individuals whom Huntsman's co-defendant believed were involved in a theft from her residence. After the kidnapped individuals implicated another party, John Schmeichel, in the theft, Huntsman and others confronted Schmeichel who agreed to accompany them in their vehicle. Huntsman allegedly then shot Schmeichel in the face, killing him.

Huntsman was subsequently indicted on one count of first degree murder, one count of using a firearm in the commission of the murder, and two counts of kidnapping. Days before the trial was to begin, the state informed the court that a witness had just turned over the alleged murder weapon which, until then, had been missing. The state moved to continue the trial, but Huntsman refused to waive his speedy trial rights. The state then moved for dismissal of the charges against Huntsman, which the district court granted.

Several days later, the state re-filed the same charges against Huntsman. After a ten day trial, a jury found Huntsman guilty as charged. The district court entered a judgment of conviction and imposed sentence. Huntsman now appeals.